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C, 8, 2004

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W. P. NO 257 / 2004

PETITIONER : Dashrath Vishwakarma S/o Late Shri Manglu Vishwakarma, Aged about 33 years, R/o Chingrajpara, Bilaspur, Dist : Bilaspur-(C.G.)

Versus

Respondents :

1. Chhattisgarh State Electricity BoardThrough The Secretary Dagania Raipur, Raipur-(C.G.)
2. The Madhya Pradesh Electricity Board, Through the Secretary, Shakti Bhawan, Jabalpur-(M.P.)
3. The Executive Engineer, Chhattisgarh State Electricity Board, Bilaspur, (C.G.)
4. The Union of India Through The Chief Secretary, Human Resources Mantralaya, New Delhi
5. The State of Chhattisgarh Through The Secretary, General Administrative Department, DKS Bhawan, Raipur-(C.G.)

No. 2511/04 ... Signed by Shri Vijay Dashmukh ... 11-8-04

CERTIFIED COPY 11/8/04 Clerk to A G. Bilaspur

WRIT PETITION UNDER ARTICLE 226 / 227 OF THE CONSTITUTION OF INDIA

FOR ISSUANCE OF WRITs IN NATURE OF MANDAMUS, CERTERIORAR, PROHIBITION, etc AND / OR FOR ORDER AND / OR DIRECTION / DIRECTIONS IN NATURE OF WRIT.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. No. 2517/04 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

11.7.2006

Shri V.K. Deshmukh, learned counsel for the petitioner.

Shri A.S Gaharwar, learned counsel for respondent No.1.

Shri S.K. Beriwal, learned counsel for respondent no. 4.

Heard.

By this writ petition under Article 226/227 of the Constitution of India the petitioner has prayed for a direction to the respondent – Chhattisgarh State Electricity Board to consider the case of the petitioner for compassionate appointment.

The case of the petitioner is that his father namely late Manglu Vishwakarma died in harness on 08.09.1999 while working as Attendant Grade-II (Helper). The petitioner applied for compassionate appointment on 09.12.1999 and the same was forward by the Executive Engineer to the Chief Engineer, Madhya Pradesh Electricity Board. The application remained pending and no order regarding compassionate appointment was passed. In the meantime, on account of the reorganization of the State, the State of Chhattisgarh was carved out w.e.f. 01/11/2000 and thereafter the Madhya Pradesh Electricity Board was also bifurcated w.e.f. 15/11/2000 and Chhattisgarh State Electricity Board came into existence on that day. As per the reply of the MPEB, the case of the petitioner was transferred to

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आदेश पत्रक

मामला क्रमांक W.P.No.2517/04 सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

the CSEB on 22.11.2002 and the name of the petitioners appears in the said list as Sl. No.170. The Additional Secretary, Chhattisgarh State Electricity Board vide letter (Annexure-A/5) dated 11.06.2004 informed the petitioner that ~~the death of~~ his father died on 08.09.1999 due to illness and as per the policy of the CSEB the dependants of those employees who died on or after 15.11.2000 are entitled for compassionate appointment. Similar is the reply of the CSEB. As per the provisions of sub-Section (4) of Section 58 of the Madhya Pradesh Reorganisation Act, 2000 the assets and liabilities and employees of undivided Board were to be distributed among the MPEB and the CSEB. Vide order dated 6th January 2004, the Government of India, Ministry of Power, issued an order in which it has been mentioned that representatives of both the States agreed in a meeting taken by Secretary, Power on 20th March 2003 that the division of employees would be in line with policy adopted for division of employees of Madhya Pradesh Government. In Para 2, it has been mentioned that the matter has been considered and in partial modification of provisional order dated 12th April 2001 so far as relating to the division of employees it has been decided finally to divide the posts and employees on the lines followed by DOPT for allocation of posts and employees of the State Government of erstwhile Madhya Pradesh for making allocation of posts and persons to the

(पीछे देखिये)

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आदेश पत्रक

मामला क्रमांक W.P.No.2512/04 **सन्** **200**

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

successor Electricity Board of MPEB on the principle that posts relatable to territorial jurisdiction of a successor State may be allotted to respective State and similarly employees belonging to such sub State territorial cadres being allocated to concerned State and only dividing the remaining posts and employees between the two States, the Government of India has decided to appoint a three members State Advisory Committee to be headed by the same person who was the Chairman of SAC appointed by DOPT for Madhya Pradesh. Therefore, on this principle the employees of MPEB who were working in the territory of newly created Chhattisgarh are to be allocated to the successor Chhattisgarh State Electricity Board on the principle and line followed by DOPT for allocation of posts and employees of the State Government of erstwhile State of Madhya Pradesh. It is admitted position that the petitioner's father, at the time of death i.e. 08.09.1999 was working at Bilaspur which falls in the territory of CSEB and when the petitioner had applied for compassionate appointment the policy for compassionate appointment dated 30.01.1997 was in existence. Therefore, his case ought to have been considered under that policy by the MPEB and on the same line the State of Chhattisgarh has also taken a decision that the dependants of those employees who died on or after 01.11.1997 are entitled for compassionate appointment. Therefore, the

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मामला क्रमांक W.P.No.2517/04 **सन्** **200**

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित –4–	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

petitioner is entitled for consideration of his application under the policy dated 30.01.1997.

For the foregoing reasons, the petition is allowed and the respondent – CSEB is directed to consider the case of the petitioner for compassionate appointment in accordance with the policy dated 30/01/1997.

Certified copy as per rules.

Sd/-
L.C. Bhadoo
Judge

Brijesh

(पीछे देखिये)